

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

ZACHARY GRAVES)
v. Plaintiff,) Civil Action No.: 3:09CV717
INDUSTRIAL POWER GENERATING)
COMPANY d/b/a INGENCO)
Defendant.)

MOTION FOR PROTECTIVE ORDER

Defendant Industrial Power Generating Company, LLC (“Ingenco” or the “Defendant”), by counsel and pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, submits their Motion for Protective Order and states as follows:

1. As described more fully in its Memorandum Of Law In Support Of Its Motion For Protective Order, Defendant’s counsel has communicated or attempted to communicate with Plaintiff on numerous occasions to either obtain his consent to the proposed protective order it had forwarded to him or to negotiate and settle on acceptable terms for a like order. Despite this, Plaintiff has failed or refused to return an executed protective order, to lodge any specific substantive objection to that order, or to propose any modification or addition to it.

2. Plaintiff has propounded discovery requests which include demands for confidential, proprietary or personal documents, including the personnel files of nonparty employees of Defendant which contain personal wage, financial or other private information.

3. A protective order should be issued "for good cause shown" and "when justice so requires." Volvo Penta of the Americas, Inc. v. Brunswick Corp., 187 F.R.D. 240, 242 (E.D. Va.

1999). The foregoing points, as more fully detailed in the supporting memorandum, demonstrate that there is good cause for the entry of the Protective Order, and the Plaintiff will suffer no prejudice by having this Court grant the instant Motion entering the Protective Order.

5. As previously noted, counsel for the Defendants has repeatedly and in good faith attempted to resolve this matter without the Court's involvement, but despite diligent efforts, the Parties have been unable to reach an agreement on the entry of a mutually acceptable protective order.

For these reasons, Defendants respectfully request that the Protective Order attached hereto as **Exhibit A**¹ be entered.

Respectfully submitted,

INDUSTRIAL POWER GENERATING
COMPANY, LLC d/b/a INGENCO

By: _____ /S/
Counsel

J. Nelson Wilkinson
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Counsel for Defendant
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¹ This Order is identical to the Proposed Stipulated Order previously provided to Plaintiff (a copy of which is attached as Exhibit A to the Memorandum of Law in Support of this Motion) save that it has been modified to reflect that it is not stipulated.

INDUSTRIAL POWER GENERATING
COMPANY, LLC d/b/a INGENCO

By: _____ /s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of June, 2010, I will electronically file the foregoing Motion for Protective Order with the Clerk of the Court using the CM/ECF system and then will mail the pleading, along with a copy of the notification of such filing (NEF), via U.S. Mail, to the following non-filing user:

Zachary Graves
11925 Warfield Ridge Drive
Chester, Virginia 23831
Pro Se Plaintiff

By: _____ /s/

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